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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 1276/2018

JASMEET KAUR

..... Petitioner

Through: Ms. Rajeshwari H. With Ms. Nupur
A. Goswami, Advocates.

versus

PHUMAN SINGH (SINCE DECEASED) THR LRS & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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16.10.2018

CM APPL.43707/2018 (Exemption)

Exemption allowed, subject to just exceptions.

CM(M) 1276/2018 & CM APPL. Nos. 43706/2018

Initial submissions have been made on behalf of the petitioner.

By the present petition, the petitioner has challenged the impugned order dated 11.09.2018 in execution petition no.1306/2017 of the learned Additional District Judge, Tis Hazari, whereby the application filed by the petitioner/applicant as objector to the said execution proceedings qua the decree dated 31.08.2017 in CS new no. 611781/16, was dismissed vide which the suit as indicated to have been partially decreed and a decree of possession had been granted in favour of the plaintiffs and against the defendants in relation to the suit property. The defendant no.3 to the said suit is indicated to be one Mr. Praveen Singh Rayat s/o Late Sh. Harkrishan Singh, though apparently and inadvertently

wrongly shown as being wife of late Sh. Harkrishan Singh in the impugned judgment and decree dated 31.08.2017. A bare perusal of the impugned order indicates that it has been contended by the objector, i.e. the petitioner herein that she married the Judgment Debtor on 20.10.2002 and out of the said wedlock, she has one son aged about 14 years, and after her marriage with Judgment Debtor No.3, she came in the suit property as daughter-in-law of the family and since the date of her marriage she has been residing in the suit property as her matrimonial home. It is reflected as per the impugned order that after marriage some matrimonial dispute had arisen between her and Judgment debtor no.3. The applicant further submits that due to matrimonial discord between her and the Judgment Debtor no.3, she never learnt of the pending litigation, i.e. the suit in which the decree had been passed and that none of the Judgment Debtors ever informed her of the same and she learnt about the same after the decree of possession qua the suit property was passed in the Civil Suit in April-May, 2007 and that the Judgment Debtors and other family members left the suit property and thereafter anti-social elements started coming to the suit property and tried to dispossess her.

It is indicated through the impugned order dated 11.09.2018 that the divorce petition bearing HMA no. 240/09 and a complaint under the Protection of Women from Domestic Violence Act bearing no. 621498/2016 had been filed by the petitioner against the Judgment Debtor No.3 and his family.

As rightly observed by the impugned order, the applicant-petitioner has been residing in the suit property qua which the decree had been passed in the capacity of being the wife of Judgment Debtor no.3 and all claims and rights qua the suit property have been claimed through the said Judgment Debtor no.3. The judgment and decree dated 31.08.2017 have already observed to the effect that the Judgment Debtor no.3 had no right over the suit property and thus, the petitioner

herein, as observed by the impugned order, can seek her matrimonial rights against the Judgment Debtor no.3, even qua the residence apparently, through appropriate proceedings which she submits have already been initiated. There is no ground thus for grant of any prayer in the present petition..

The petition and the accompanying application are declined.

ANU MALHOTRA, J

OCTOBER 16, 2018

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